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SEP 14 2004

OFFICE OF PETITIONS

In re Application of
Paul Nysen
Application No. 09/738,819
Filed: December 15, 2000
Attorney Docket No: 035826-027

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)¹, filed July 19, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The instant application became abandoned on June 19, 2002, for failure to submit a timely response to the final Office action mailed on November 17, 2003, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply pursuant to 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed July 1, 2004.

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).



Creation date: 12-02-2004
Indexing Officer: SODUYELA - SAMUEL ODUYELA
Team: OIPEBackFileIndexing
Dossier: 09738819

Legal Date: 09-23-2004

No.	Doccode	Number of pages
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Total number of pages: 2

Remarks:

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